



# City Of Albuquerque

## APPLICATION FOR SPECIAL EXCEPTION

Office of the Zoning Hearing Examiner  
505.768.4503

### APPLICATION INFORMATION-PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

CONTACT DATA: PROFESSIONAL / AGENT NAME (FIRST, LAST)

(H) \_\_\_\_\_

MAILING ADDRESS

(W) \_\_\_\_\_

CITY

STATE

ZIP CODE

(C) \_\_\_\_\_

Email:

APPLICANT DATA: OWNER NAME (FIRST, LAST-IF ANY)

(H) \_\_\_\_\_

MAILING ADDRESS

(W) \_\_\_\_\_

CITY

STATE

ZIP CODE

(C) \_\_\_\_\_

Email:

### LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

3403 Central NE Albuquerque, NM

87106

STREET ADDRESS OF SPECIAL EXCEPTION

ZIP CODE

LOT(S)

TRACT(S)

BLOCK(S)

Monte Vista Addition

SUBDIVISION / ADDITION / MRGCD MAP NO

1016 057 446 276 10603

UNIFORM PROPERTY CODE

### CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

GLA

### EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

### DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

### ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE

DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

Category Code 900

Permit Number: 2012080218

PROJECT #: 1004353

APPLICATION #: L2 Z H E 50218

APPLICATION FOR: (CHECK AS APPROPRIATE)

☒ (ZHE01) Conditional Use

☐ (ZHE02) Expansion of a NonConforming Use

☐ (ZHE03) NonConforming Use / Status Established Building

☐ (ZHE04) Variance:

☐ Distance ☐ Setback

☐ Height ☐ Parking

☐ Size ☐ Other

SECTION NO: Page 93 B. REFERENCE SECTION NO:

(LEGAL AD) ACTION DESCRIPTION A conditional use for proposed off premise sales for a microbrewery

SECTOR DEVELOPMENT AREA: NE 4th Block

ZONED: CC-2-1 ZONE MAP PAGE: B-16

NO. OF SIGNS ISSUED: 1

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

08-21-12 DATE OF PUBLIC HEARING

Paul Kibitnick APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)

7-16-12 DATE

(APN) 441018/4926000 \$35.00  
(CMP) 441032/3416000 \$10.00  
(ZHE) 441006/3916000 \$100.00  
FEE: \$145.00



For more current information and more details visit: <http://www.cabq.gov/gis>

**AGIS**  
Albuquerque Geographic Information System

Map amended through: 2/4/2010

Zone Atlas Page:  
**K-16-Z**

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contour
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

Note: Grey Shading Represents Area Outside of the City Limits

0 750 1,500 Feet

**METRO ADDRESS**

No Features found.

**OWNERSHIP**

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	TAX DISTRICT
1	101605744627610603	DAFFER PETER Z & MERETE	1012 COUNTRY CLUB RD	PERRY	GA	31069	C	A1A
								LT 17 BL

**ZONING**

Rec	ZONING	DESCRIPTION
1	CCR-1	

**ZONE GRID**

Rec	ZONE ATLAS GRID
1	K16

**PARCELS**

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	3403	CENTRAL AV		NE	17	5	MONTE VISTA ADDN	ABQ145383

**CENTERS**

Rec	CENTER	TYPE	STATUS
1	NOB HILL	COMM	EXISTING

**METRO ADDRESS**

No Features found.

**NEIGHBORHOODS**

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONST
1	NOB HILL	R

**SECTOR PLANS**

Rec	SECTOR PLAN NAME
1	NOB HILL HIGHLAND

**COUNCIL**

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	Rey Garduño	6

**ZIPCODES**

Rec	ZIPCODE
1	87106

July 16, 2012

City of Albuquerque

Application for Special Exception

IL Vicino Wood Oven Pizza

3403 Central NE

Albuquerque, NM 87106

Reason for Special Exception:

IL Vicino has a proven track record with responsible growler sales at all of their other locations over the past 15 years.

Growler sales promote recycling because they can be refilled at a lower price. This also promotes local business by having customers purchase craft beer made here in Albuquerque verses chain stores that sell beers from mass-produced, out of state, breweries.

Growlers purchased in breweries are sold by alcohol certified personnel, who tend to be more diligent in following safe alcohol sales protocol.

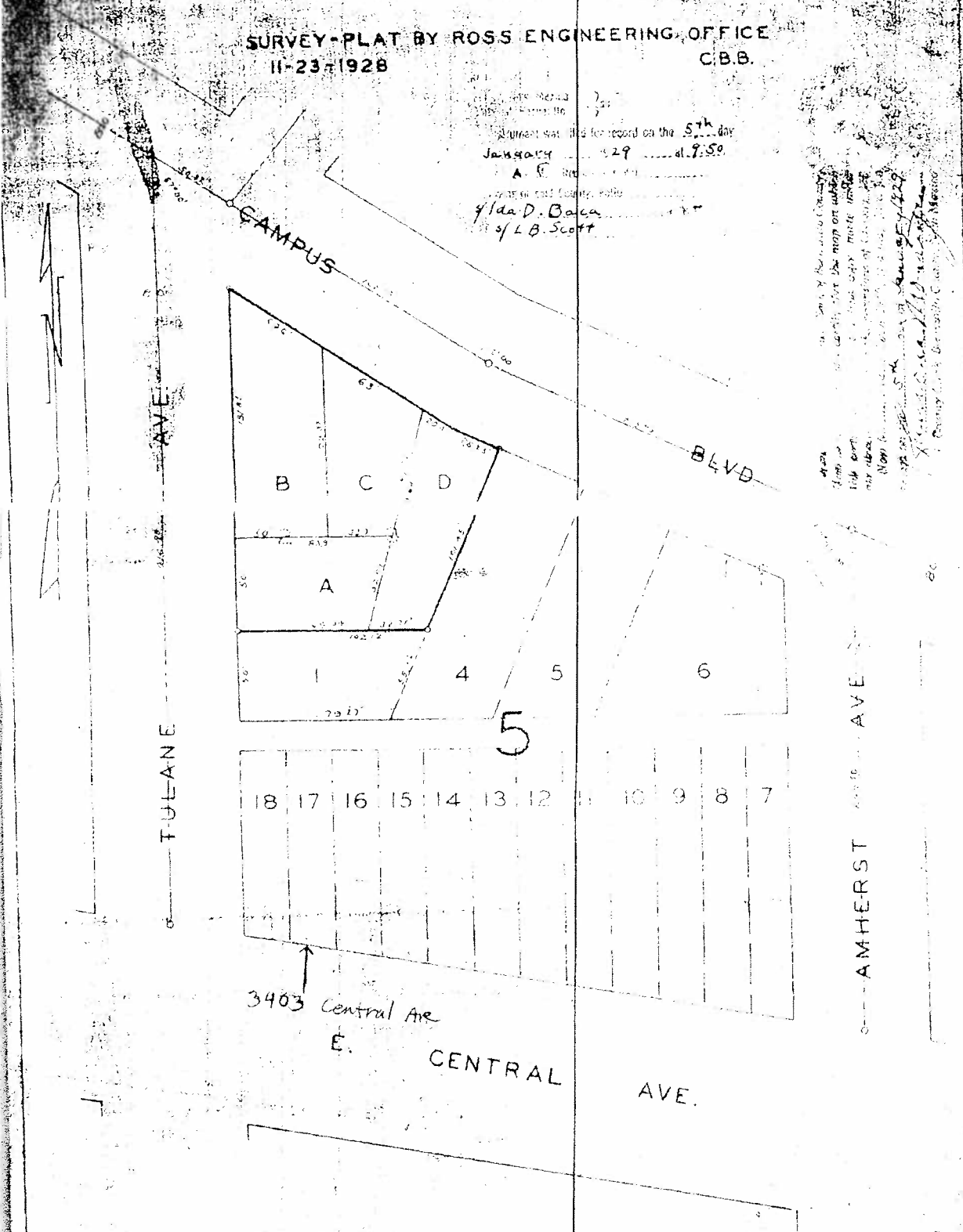
# REPLAT OF LOTS 2 & 3 OF BLOCK 5, BEING NOW LOTS A B C & D, OF MONTE- VISTA ADDITION - ALBUQUERQUE, N. M.

SCALE: 1 IN. = 50 FT.

SURVEY-PLAT BY ROSS ENGINEERING OFFICE  
11-23-1928 C.B.B.

Plat was filed for record on the 5<sup>th</sup> day  
January 1929 at 9:50  
A. B. [illegible]

W. D. Baca  
of L. B. Scott



3403 Central Ave  
E.

CENTRAL

AVE.

the foregoing recast of Lots 2 and 3, Block 5 of White Vista Addition to the City of Albuquerque, New Mexico, resurveyed and resubdivided as the same appears hereon comprising Lots A, 5, C and D of said Block 5, is with the free consent and in accordance with the desires of the undersigned owner and proprietor thereof.

MONTESANO COMPANY, INC.

by *W. J. Leverett*  
President

ATTEST: *E. D. Keller*  
Secretary

State of New Mexico (ss)  
County of Bernalillo,

On this 25th day of November, 1928, before me appeared Wm. J. Leverett to me personally known, who, being by me duly sworn, did say that he is President of Montesano Company, a corporation organized under the laws of the State of New Mexico, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and the said Wm. J. Leverett acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and seal on this the day and year first above written.

*E. D. Keller*  
Notary Public, Bernalillo County, New Mexico

I, Robert A. Cooper, City Engineer of the City of Albuquerque, New Mexico, do hereby certify that I have examined the foregoing map of Lots 2 and 3, Block 5, Montesano Addition to the City of Albuquerque, and approved the same this 24th day of November, 1928.

*Robert A. Cooper*  
City Engineer, Albuquerque, N. M.

13-8-11-6

**CITY of ALBUQUERQUE  
TWENTIETH COUNCIL**

COUNCIL BILL NO. R-12-29 ENACTMENT NO. 8.2012.047

SPONSORED BY: Rey Garduño

**RESOLUTION**

1  
2 **AMENDING THE TEXT OF THE NOB HILL HIGHLAND SECTOR DEVELOPMENT**  
3 **PLAN TO ADD ALCOHOL SALES FOR OFF-PREMISE CONSUMPTION FOR**  
4 **ESTABLISHMENTS WITH A "SMALL BREWER'S LICENSE" OR A**  
5 **"WINEGROWER'S LICENSE" AS A CONDITIONAL USE IN THE SU-2/CCR-1**  
6 **AND SU-2/CCR-2 ZONES.**

7 **WHEREAS, the Council, the Governing Body of the City of Albuquerque,**  
8 **has the authority to adopt and amend plans for the physical development of**  
9 **areas within the planning and platting jurisdiction of the City authorized by**  
10 **statute, Section 3-19-3, NMSA 1978, and by its home rule powers; and**

11 **WHEREAS, the Council has the authority to adopt, amend, or repeal such a**  
12 **sector development plan; and**

13 **WHEREAS, the City of Albuquerque adopted the Nob Hill Highland Sector**  
14 **Development Plan (NHHS DP) in 2007 through Council Resolution R-07-185,**  
15 **Enactment Number 96-2007; and**

16 **WHEREAS, the NHHS DP prohibits alcoholic beverage sales for off-premise**  
17 **consumption in the Community Commercial/Residential One and Two (CCR-1**  
18 **and CCR-2) zones; and**

19 **WHEREAS, the record for R-07-185 suggests that this prohibition was**  
20 **intended to address community concerns about the impacts of packaged**  
21 **liquor sales and, in particular, the sale of miniature bottles and fortified**  
22 **liquors; and**

23 **WHEREAS, Nob Hill has become a popular area for business**  
24 **establishments, including both full-service restaurants and tasting rooms, that**  
25 **serve locally-brewed craft beers and locally-produced wines; and**



1 WHEREAS, certain establishments in the Nob Hill area have expressed a  
2 desire to sell locally-produced alcoholic beverages for off-premise  
3 consumption; and

4 WHEREAS, the New Mexico state statute that defines "Small brewer's  
5 license" (60-6A-26.1 NMSA 1978) authorizes one to whom a small brewer's  
6 license is issued to sell beer in unbroken packages for consumption off  
7 premises; and

8 WHEREAS, the New Mexico state statute that defines "Winegrower's  
9 license" (60-6A-11 NMSA 1978) authorizes one to whom a winegrower's  
10 license is issued to sell wine in unbroken packages for consumption off  
11 premises; and

12 WHEREAS, allowing an opportunity for small brewers and winegrowers to  
13 sell their products for off-premise consumption, subject to certain restrictions  
14 and procedures, is consistent with the NHHSDP, which provides that "The  
15 Route 66 Historic Core District has a tradition of providing an eclectic  
16 collection of goods and service options to the traveler as well as the resident.  
17 Maintaining this variety is critical to the continuing success of this unique  
18 area..." (NHHSDP, p. 58).

19 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
20 ALBUQUERQUE:

21 SECTION 1. THE NOB HILL HIGHLAND SECTOR DEVELOPMENT PLAN IS  
22 HEREBY AMENDED AS FOLLOWS:

23 A. On page 84 of the Nob Hill Highland Sector Development Plan  
24 (NHHSDP), amend the third- and second-to-last sentences on the page that  
25 begin "The new zones that are proposed..." and "The proposed CCR-3 does  
26 modify the existing C-2 and C-1 zones...", respectively, as follows: "The new  
27 zones that are proposed do not change the current permissive uses of the  
28 existing CCR and OR zones; however, the sale of alcoholic beverages for off-  
29 premise consumption is allowed as a conditional use in the CCR-1 and CCR-2  
30 zones, subject to certain restrictions. The proposed CCR-3 zone does modify  
31 the existing C-2 and C-1 zones in that area by the elimination of drive up  
32 service windows and outdoor motor vehicle and trailer sales as permissive  
33 uses."



1 B. On pages 90 and 93 of the NHHSDP, Section "1. General Rules – Uses"  
2 is amended as follows by adding a new section B and re-lettering subsequent  
3 sections accordingly:

4 "A. Alcoholic beverage sales for off-premise consumption are not allowed  
5 except as provided for in section B. below.

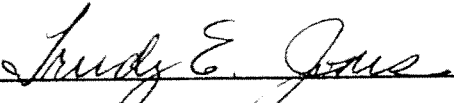
6 B. Conditional Use: Alcoholic beverage sales for off-premise  
7 consumption for establishments with an approved "Small brewer's license" as  
8 governed by 60-6A-26.1 NMSA 1978 or an approved "Winegrower's license" as  
9 governed by 60-6A-11 NMSA 1978."

10 SECTION 2. EFFECTIVE DATE. This resolution shall take effect five days  
11 after publication by title and general summary.

12 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
13 clause, word or phrase of this resolution is for any reason held to be invalid or  
14 unenforceable by any court of competent jurisdiction, such decision shall not  
15 affect the validity of the remaining provisions of this resolution. The Council  
16 hereby declares that it would have passed this resolution and each section,  
17 paragraph, sentence, clause, word or phrase thereof irrespective of any  
18 provisions being declared unconstitutional or otherwise invalid.

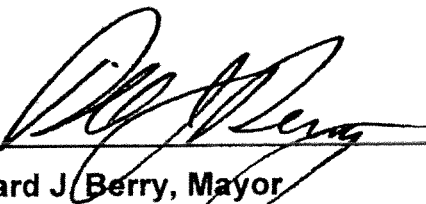
1 PASSED AND ADOPTED THIS 4th DAY OF June, 2012  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

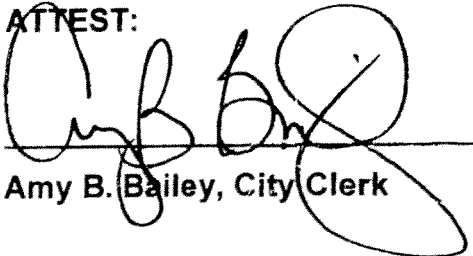
3  
4 Excused: Winter

5  
6   
7 \_\_\_\_\_  
8 Trudy E. Jones, President  
9 City Council

10  
11  
12  
13 APPROVED THIS 12<sup>th</sup> DAY OF June, 2012  
14

15  
16 Bill No. R-12-29

17  
18   
19 \_\_\_\_\_  
20 Richard J. Berry, Mayor  
21 City of Albuquerque  
22

23  
24 ATTEST:  
25   
26 \_\_\_\_\_  
27 Amy B. Bailey, City Clerk  
28  
29  
30  
31  
32  
33

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion